

18334 U.S. PRO
08/25/03

PATENT
Customer Number 22,852
Attorney Docket No. 03806.0394-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Patent Application

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

03916 U.S. PRO
10/646807
08/25/03

Prior Application Art Unit: 09/398,184 Prior Application Examiner: R. Hutson

SIR: This is a request for filing a Divisional Application under 37 C.F.R. § 1.53(b) of pending prior Application No. 09/398,184, filed September 17, 1999, of Francis BLANCHE *et al.* for NOVEL TOPOISOMERASE IV, CORRESPONDING NUCLEOTIDE SEQUENCES AND USES THEREOF.

1. ☒ Enclosed is a complete copy of the prior application including the oath or Declaration and drawings, if any, as originally filed. I hereby verify that the attached papers are a true copy of prior Application No. 09/398,184, as originally filed on September 17, 1999, which is incorporated herein by reference.
2. ☒ A Preliminary Amendment is enclosed.
3. ☒ The filing fee is calculated on the basis of the claims existing in the prior application as amended at 2 above.

Basic Application Filing Fee					\$750	\$ 750.00
	Number of Claims		Basic	Extra Claims		
Total Claims	4	-	20	0	x \$18	0.00
Independent Claims	1	-	3	0	x \$84	0.00
<input type="checkbox"/> Presentation of Multiple Dep. Claim(s)					+\$280	0.00
Subtotal						\$ 750
Reduction by 1/2 if small entity						- n/a
TOTAL APPLICATION FILING FEE						\$ 750

4. ☒ A check in the amount of \$750.00 to cover the filing fee is enclosed.

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5. ☒ The Commissioner is hereby authorized to charge any fees which may be required including fees due under 37 C.F.R. § 1.16 and any other fees due under 37 C.F.R. § 1.17, or credit any overpayment during the pendency of this application to Deposit Account No. 06-0916.

6. ☒ Amend the specification by inserting before the first line, the following new paragraph:

This is a divisional of Application No. 09/398,184, filed September 17, 1999, which is a divisional of Application No. 08/776,265, filed January 24, 1997, now U.S. Patent No. 6,001,631, each of which is incorporated herein by reference.

7. ☒ Formal Drawings are enclosed.

8. ☒ The prior application is assigned of record to: Aventis Pharma S.A.

9. ☒ Priority of Application No. 94/09288, filed on July 27, 1994, in France is claimed under 35 U.S.C. § 119. A certified copy is on file in prior Application No. 08/776,265, filed January 24, 1997.

10. ☒ The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg. No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C. Zotter, Reg. No. 27,680; Dennis P. O'Reilley, Reg. No. 27,932; Allen M. Sokal, Reg. No. 26,695; Robert D. Bajefsky, Reg. No. 25,387; Richard L. Stroup, Reg. No. 28,478; David W. Hill, Reg. No. 28,220; Thomas L. Irving, Reg. No. 28,619; Charles E. Lipsey, Reg. No. 28,165; Thomas W. Winland, Reg. No. 27,605; Basil J. Lewris, Reg. No. 28,818; Martin I. Fuchs, Reg. No. 28,508; E. Robert Yoches, Reg. No. 30,120; Barry W. Graham, Reg. No. 29,924; Susan Haberman Griffen, Reg. No. 30,907; Richard B. Racine, Reg. No. 30,415; Thomas H. Jenkins, Reg. No. 30,857; Robert E. Converse, Jr., Reg. No. 27,432; Clair X. Mullen, Jr., Reg. No. 20,348; Christopher P. Foley, Reg. No. 31,354; John C. Paul, Reg. No. 30,413; David M. Kelly, Reg. No. 30,953; Kenneth J. Meyers, Reg. No. 25,146; Carol P. Einaudi, Reg. No. 32,220; Walter Y. Boyd, Jr., Reg. No. 31,738;

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11. ☒ The power appears in the original declaration of the prior application.
12. ☒ Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315, **Customer Number 22,852**.
13. ☒ Recognize as associate attorney: M. Todd Rands, Reg. No. 46,249.
14. ☒ Other: Computer-Readable Form of the Sequence Listing

In accordance with 37 C.F.R. § 1.821(e), Applicants request that the Office use the first filed computer-readable form of the Sequence Listing filed in prior Application No. 08/776,265, filed January 24, 1997. This same computer-readable form of the Sequence Listing was also used in prior Application No. 09/398,184, filed September 17, 1999. The paper copy submitted herewith is identical to the computer-readable form used in these prior applications.

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PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this application, including any extension in parent Application No. 09/398,184, filed September 17, 1999, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: August 25, 2003

By: 
M. Todd Rands
Reg. No. 46,249

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